

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

|                             |   |                 |
|-----------------------------|---|-----------------|
| ERECTION SPECIALISTS, INC., | ) |                 |
|                             | ) |                 |
| Plaintiff,                  | ) |                 |
|                             | ) |                 |
| v.                          | ) | No. 3:00-CV-281 |
|                             | ) | (Shirley)       |
| EDWARDS DEUTZ DIESEL, INC., | ) |                 |
| and DEUTZ CORPORATION,      | ) |                 |
|                             | ) |                 |
| Defendants;                 | ) |                 |
|                             | ) |                 |
| and                         | ) |                 |
|                             | ) |                 |
| DEUTZ CORPORATION,          | ) |                 |
|                             | ) |                 |
| Cross-Plaintiff,            | ) |                 |
|                             | ) |                 |
| v.                          | ) |                 |
|                             | ) |                 |
| EDWARDS DEUTZ DIESEL, INC., | ) |                 |
|                             | ) |                 |
| Cross-Defendant.            | ) |                 |

**MEMORANDUM & ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment [Doc. 29].

The defendant and cross-plaintiff Deutz Corporation (“Deutz”) moves for a review and/or clarification with respect to the taxation of costs incurred by the plaintiff Erection Specialists, Inc. Specifically, Deutz Corporation seeks clarification with respect to the identity of the party against which said costs are taxed, and further submits that the taxation of the plaintiff’s expert

witness fees are not warranted under the circumstances. [Doc. 120]. The plaintiff has filed a response, opposing Deutz's motion. [Doc. 122].

The Court's docket indicates that the plaintiff's costs, in the amount of \$22,960.50, were taxed against Deutz on October 12, 2005. [Doc. 117]. This entry, however, was in error and was corrected on October 13, 2005 to reflect that the plaintiff's costs are to be taxed against the defendant Edwards Diesel and Tractor. Accordingly, no costs have been assessed against Deutz Corporation, and therefore, Deutz's Motion Seeking Review of Taxation of Costs [Doc. 120] should be **DENIED AS MOOT**.

**IT IS SO ORDERED.**

**ENTER:**

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge